

Physical collocation of CLEC equipment is available wherever space permits. See Sparks MO Aff. ¶¶ 51-61; Sparks AR Aff. ¶¶ 48-58; Deere MO Aff. ¶¶ 22-23; Deere AR Aff. ¶¶ 22-23. SWBT allows collocation of telecommunications equipment necessary for interconnection or access to UNEs. See Sparks MO Aff. ¶ 52; Sparks AR Aff. ¶ 49; Deere MO Aff. ¶ 26; Deere AR Aff. ¶ 26.

SWBT makes available caged, shared cage, cageless, and physical collocation arrangements, all at the option of the CLEC. See Sparks MO Aff. ¶¶ 51, 55-59; Sparks AR Aff. ¶¶ 48, 52-56. Adjacent space collocation is available when all space for physical collocation is legitimately exhausted. Sparks MO Aff. ¶ 60; Sparks AR Aff. ¶ 57. If space in an Eligible Structure subsequently becomes available, the CLEC may, at its option, relocate its equipment into that interior space. Sparks MO Aff. ¶ 82; Sparks AR Aff. ¶ 79; see 47 C.F.R. § 51.323(k)(3) (as revised by the Collocation & Advanced Services Reconsideration Order, 15 FCC Rcd at 17830, ¶ 46). SWBT also will make available other technically feasible collocation arrangements. See Sparks MO Aff. ¶ 62; Sparks AR Aff. ¶ 59.

Detailed terms for collocation are provided in Technical Publication TP 76300MP, Installation Requirements, which is incorporated by reference in the Physical Collocation Appendix to the M2A and A2A. Sparks MO Aff. ¶ 53; Sparks AR Aff. ¶ 50. CLECs obtaining physical collocation also receive access via the CLEC Online web site to SWBT's Interconnector's Collocation Services Handbook for Physical Collocation. Sparks MO Aff. ¶ 53; Sparks AR Aff. ¶ 50.

Order, 15 FCC Rcd at 18367-68, ¶ 28 ("for the purpose of evaluating [checklist] compliance . . . , we require SWBT to demonstrate that it is currently in compliance with the rules in effect on the date of filing, but do not require SWBT to demonstrate that it complies with rules that become effective during the pendency of its application"); New York Order, 15 FCC Rcd at 4127, ¶ 340 (same).

If SWBT must deny a CLEC's request for physical collocation because space is not available, SWBT will furnish detailed documentation of this denial to the CLEC within ten days. Sparks MO Aff. ¶ 63; Sparks AR Aff. ¶ 60. After reviewing SWBT's documentation and touring the structure, the CLEC may initiate an independent third-party review of space availability, with ultimate review and approval by the state commission, if necessary. Sparks MO Aff. ¶ 64; Sparks AR Aff. ¶ 61.

SWBT maintains a publicly available document on the Internet indicating when physical collocation space is no longer available in its central offices, pursuant to 47 C.F.R. § 51.321(h). See Deere MO Aff. ¶ 22; Deere AR Aff. ¶ 22. See generally Sparks MO Aff. ¶ 65 & Attach. A; Sparks AR Aff. ¶ 62 & Attach. A. Each time space is assigned either for collocation or use by SWBT, SWBT will determine whether sufficient additional physical collocation space (*i.e.*, a single bay or more) remains in that office. Deere MO Aff. ¶ 22; Deere AR Aff. ¶ 22. If not, then SWBT will post notice of that office closing on its web site within ten days of the space assignment. Deere MO Aff. ¶ 22; Deere AR Aff. ¶ 22; see Order of Forfeiture, SBC Communications, Inc. Apparent Liability for Forfeiture, File No. EB-00-IH-0326a, DA 01-1273, ¶ 10 (Enf. Bur. rel. May 24, 2001) (finding that this SBC policy, described in SWBT's Missouri I application, satisfies the requirements of 47 C.F.R. § 51.321(h)).

Standards for space reservation are nondiscriminatory. See Sparks MO Aff. ¶ 67; Sparks AR Aff. ¶ 64. As required by the Collocation & Advanced Services Reconsideration Order, 15 FCC Rcd at 17834, ¶ 53 (revising 47 C.F.R. § 51.323(f)), these space reservation policies apply as well to SWBT affiliates. See Sparks MO Aff. ¶ 81; Sparks AR Aff. ¶ 78. SWBT has adopted a number of policies that conserve collocation space and maximize opportunities for carriers to enter or to expand their presence in the local market, including removal of obsolete, unused

equipment upon reasonable request by a collocater or upon order of the state commission. See Sparks MO Aff. ¶ 68; Sparks AR Aff. ¶ 65. SWBT also conserves caged collocation space by allowing CLECs to purchase space in increments as small as the amount of space needed to house and maintain one rack or bay of equipment, or even smaller. See Sparks MO Aff. ¶ 55; Sparks AR Aff. ¶ 52.

Security measures for collocators in SWBT's central offices reasonably protect SWBT's network and equipment from harm, and are no more stringent than those followed by SWBT's own personnel. Sparks MO Aff. ¶ 69; Sparks AR Aff. ¶ 66. CLEC personnel need not undergo any security training more stringent or intensive than the training undergone by SWBT personnel, nor are they required to obtain training from SWBT. Sparks MO Aff. ¶ 70; Sparks AR Aff. ¶ 67. Consistent with the Collocation & Advanced Services Order,⁶⁵ SWBT may recover the costs of erecting an interior security partition to separate SWBT's own equipment in lieu of the costs of other reasonable security measures, if the partition costs are lower than costs of any other reasonable security measure. Sparks MO Aff. ¶ 71; Sparks AR Aff. ¶ 68. Such a security partition will not interfere with a CLEC's access to its own equipment, and will not be the basis for a claim that collocation space is exhausted. Sparks MO Aff. ¶ 72; Sparks AR Aff. ¶ 69.

CLECs have access to their collocated equipment 24 hours a day, seven days a week, without a security escort, as well as access to restrooms and parking. Sparks MO Aff. ¶ 73; Sparks AR Aff. ¶ 70. CLECs also have reasonable access to their chosen collocation space

⁶⁵ First Report and Order and Further Notice of Proposed Rulemaking, Deployment of Wireline Services Offering Advanced Telecommunications Capability, 14 FCC Rcd 4761, 4784-85, ¶ 42, 4788, ¶ 48 (1999), vacated in part, GTE Serv. Corp. v. FCC, 205 F.3d 416 (D.C. Cir. 2000).

during construction. Sparks MO Aff. ¶ 47; Sparks AR Aff. ¶ 44; see Collocation & Advanced Services Reconsideration Order, 15 FCC Rcd at 17835-36, ¶ 59 (revising 47 C.F.R. § 51.321(f)). SWBT does not use information obtained from CLECs in the course of implementing security arrangements for marketing or other competitive purposes. Sparks MO Aff. ¶ 69; Sparks AR Aff. ¶ 66. SWBT requires CLECs' equipment to satisfy the Telcordia Network Equipment and Building Specifications ("NEBS") Level 1 safety standards but does not refuse collocation of equipment that fails to meet NEBS reliability standards. Sparks MO Aff. ¶ 74; Sparks AR Aff. ¶ 71; see Collocation & Advanced Services Reconsideration Order, 15 FCC Rcd at 17834-35, ¶ 55. SWBT also has modified its internal procedures to ensure that, if it denies collocation on the ground that a CLEC's equipment fails to meet applicable safety standards, the Commission-required affidavit contains all information required by the Collocation and Advanced Services Reconsideration Order, 15 FCC Rcd at 17835, ¶ 57 (revising 47 C.F.R. § 51.323(b)). See Sparks MO Aff. ¶ 80; Sparks AR Aff. ¶ 77.

SWBT provisions collocation space in conformance with Commission requirements. Although the Collocation & Advanced Services Reconsideration Order established default national intervals for physical collocation effective October 10, 2000, those intervals apply only "in the absence of state standards." 15 FCC Rcd at 17818, ¶ 21; see 47 C.F.R. § 51.323(l).⁶⁶ Because the Missouri PSC and Arkansas PSC have already established their own collocation application and provisioning intervals, SWBT is currently in compliance with the new regulation. See Sparks MO Aff. ¶ 83; id. ¶¶ 6, 37 (explaining that the Missouri PSC has adopted

⁶⁶ The Commission's default standards require the incumbent LEC to give notification of its acceptance or denial of a CLEC's error-free application for collocation within ten calendar days of its receipt, and to provision the space within 90 calendar days of its receipt. See Collocation & Advanced Services Reconsideration Order, 15 FCC Rcd at 17820-22, ¶¶ 24-27. The Commission did not set provisioning intervals for virtual collocation. Id. at 17824, ¶ 32.

the Kansas terms and conditions with Texas rates, which have been approved by this Commission, on an interim basis while it considers SWBT's proposed Missouri Physical Collocation Tariff); Sparks AR Aff. ¶ 80; id. ¶ 6 (noting that the Arkansas PSC has approved the A2A). SWBT responds to each request within ten days with a notification of whether space is available, and (if so) a price quotation, except where a CLEC places a large number of collocation orders in the same five-business-day period. See Sparks MO Aff. ¶¶ 40-44; Sparks AR Aff. ¶¶ 37-41.

Construction intervals likewise are short. In central office space with existing collocation infrastructure, for example, SWBT completes construction of caged physical collocation space within 90 days. Sparks MO Aff. ¶ 45; Sparks AR Aff. ¶ 42. For inactive space, the interval is 140 days. Sparks MO Aff. ¶ 45; Sparks AR Aff. ¶ 42. SWBT completes cageless collocation within 55 days if the collocator provides its own bays, and within 70 days if the collocator does not. Sparks MO Aff. ¶ 46; Sparks AR Aff. ¶ 43. These application and provisioning intervals allow Missouri and Arkansas CLECs to obtain collocation in a timely manner and are identical to those approved in Kansas. See Sparks MO Aff. ¶¶ 40-47; Sparks AR Aff. ¶¶ 37-44.

The available performance data show that SWBT consistently processed Missouri and Arkansas CLECs' requests for collocation within the applicable interval over the last 12 months ending June 2001. See Dysart MO Aff. ¶ 29; Dysart AR Aff. ¶ 29. As further evidence of SWBT's excellent collocation performance, during the same period SWBT completed 377 collocation projects in Missouri and 128 collocation projects in Arkansas, without a single missed due date. See Dysart MO Aff. ¶ 29; Dysart AR Aff. ¶ 29. See also Dysart Aff. Attach. Q.

Virtual collocation is available to CLECs regardless of the availability of physical collocation. See Sparks MO Aff. ¶ 75; Sparks AR Aff. ¶ 72; Deere MO Aff. ¶ 24; Deere AR Aff. ¶ 24. SWBT uses the same engineering practices for virtually collocated equipment as it does for its own similar equipment. See Sparks MO Aff. ¶ 76; Sparks AR Aff. ¶ 73. Although not required by law,⁶⁷ CLECs have the option in some circumstances to maintain and repair their own virtually collocated equipment. Sparks MO Aff. ¶ 77; Sparks AR Aff. ¶ 74; Deere MO Aff. ¶ 24; Deere AR Aff. ¶ 24.

SONET-based interconnection is similar to the virtual collocation arrangement, except that both the CLEC and SWBT install SONET-based equipment in their respective locations and each can select the SONET equipment vendor of its choice. Deere MO Aff. ¶ 27; Deere AR Aff. ¶ 27. All of the same options for service configurations exist for this arrangement as with virtual collocation interconnection. Deere MO Aff. ¶ 27; Deere AR Aff. ¶ 27.

Special Request Process. In addition to these standard offerings, CLECs may request custom-tailored interconnection arrangements through a Special Request process. Deere MO Aff. ¶¶ 14, 83-87; Deere AR Aff. ¶¶ 14, 83-87; Sparks MO Aff. ¶ 62; Sparks AR Aff. ¶ 59. This process, which is also known as the “Bona Fide Request” process, allows CLECs to request modifications to existing interconnection arrangements as well as additional arrangements. SWBT will analyze the technical feasibility of the request and prepare a preliminary report for the requesting carrier within 30 days. See Deere MO Aff. ¶ 8; Deere AR Aff. ¶ 8. If the request

⁶⁷ See Collocation & Advanced Services Reconsideration Order, 15 FCC Rcd at 17812, ¶ 9 (“In a virtual collocation arrangement, the competitor designates the equipment to be placed at the incumbent LEC’s premises. The competing provider, however, does not have physical access to the incumbent’s premises. Instead, the equipment is under the physical control of the incumbent LEC, and the incumbent is responsible for installing, maintaining, and repairing equipment designated by the competing provider.”).

is technically feasible and the CLEC authorizes further development, SWBT will negotiate a schedule for arriving at price and implementation terms (which generally will not extend beyond 90 days from SWBT's receipt of the request). See Deere MO Aff. ¶ 86; Deere AR Aff. ¶ 86. The CLEC may arbitrate feasibility issues before the Missouri PSC. M2A Attach. 6 – UNE, § 2.22.10; A2A Attach. 6 – UNE, § 2.22.10.

3. Pricing for Interconnection

SWBT provides interconnection at geographically deaveraged prices that are consistent with 47 U.S.C. § 252(d) and this Commission's rules. Sparks MO Aff. ¶¶ 9-10; Lundy AR Aff. ¶ 12. The prices available in the M2A have been approved by the Missouri PSC or are interim prices either from Texas or based on Missouri-specific TELRIC costs, subject to true-up. Sparks MO Aff. ¶¶ 145-155. In Arkansas, interconnection prices are the same as those that this Commission approved in Kansas. See Lundy AR Aff. ¶ 12.

The Missouri PSC adopted the Texas collocation rates on an interim basis, subject to true-up. See Final Missouri PSC Order at 27-28; Sparks MO Aff. ¶ 158; see also id. ¶ 37 & n.25. Arkansas collocation rates are the same as in Kansas. Allis AR Aff. ¶¶ 42, 49. Site preparation charges are pro-rated and allocated based on the percentage of the total space used by each CLEC, so that the first CLEC in a premises is not responsible for the entire cost of site preparation. Sparks MO Aff. ¶¶ 55, 59; Sparks AR Aff. ¶¶ 52, 56.

B. Checklist Item 2: Access to Network Elements

SWBT satisfies Checklist Item 2 in both Arkansas and Missouri by providing “nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory.” 47 U.S.C. § 251(c)(3); see id. §§ 271(c)(2)(B)(ii), 252(d)(1). This offer of leased access to individual

components of SWBT's local exchange network enables CLECs to serve their local customers without duplicating SWBT's multi-billion dollar investment in local network infrastructure.

1. Access to UNEs Generally

SWBT is in full compliance with this Commission's UNE Remand Order.⁶⁸ Both the M2A and the A2A reflect all the new requirements in the UNE Remand Order that became effective on February 17, 2000, and May 18, 2000.⁶⁹ The A2A and M2A offer CLECs access to dark fiber, subloop unbundling, local switching, tandem switching, signaling networks, call-related databases, line conditioning, and information on loop qualification. See Sparks AR Aff. ¶¶ 84-86; Final Missouri PSC Order at 28; Sparks MO Aff. ¶¶ 87-89. The A2A and M2A additionally provide CLECs a means to obtain any additional UNEs required by this Commission or identified through arbitration. See Sparks AR Aff. ¶ 83; A2A Attach. 6 – UNE, § 14.5; Sparks MO Aff. ¶ 86; M2A Attach. 6 – UNE, § 14.5.

2. UNE Combinations

SWBT makes available UNE combinations beyond what is required by the 1996 Act. SWBT has proven that, when requested to do so, it will combine particular network elements that are not already combined, including new loop to switch port combinations (the "UNE Platform" or "UNE-P") and, under certain conditions, loop to interoffice transport combinations (the "Enhanced Extended Loop" or "EEL"). Sparks MO Aff. ¶¶ 97-104; see also

⁶⁸ Third Report and Order and Fourth Further Notice of Proposed Rulemaking, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, 15 FCC Rcd 3696 (1999). See Sparks MO Aff. ¶ 87; Sparks AR Aff. ¶ 84; Deere MO Aff. ¶ 68; Deere AR Aff. ¶ 68; M2A Attach. 6 – UNE; Texas Order, 15 FCC Rcd at 18367-68, ¶ 28; New York Order, 15 FCC Rcd at 3967, ¶ 31, 4021-22, ¶ 140 & n.420.

⁶⁹ See Sparks MO Aff. ¶¶ 88-94; Sparks AR Aff. ¶¶ 85-91; Texas Order, 15 FCC Rcd at 18368, ¶ 29; New York Order, 15 FCC Rcd at 3967, ¶ 31, 4021-22, ¶ 140 & n.420.

SBC/Ameritech Merger Order, 14 FCC Rcd at 14875, ¶ 393 (provision of UNE Platform for service to residential customers). SWBT will combine UNEs for CLECs at recurring rates set by the Missouri PSC pursuant to 47 U.S.C. § 252(d). See Sparks MO Aff. ¶¶ 149-151. SWBT has shown that it has developed methods and procedures for new combinations of specific UNEs. See id. ¶ 111; M2A Attach. 6 – UNE, § 14.7.

Under both the A2A and the M2A, SWBT will combine unbundled 2- or 4-wire analog or 2-wire digital loops with unbundled voice-grade DS0, DS1, or DS3 dedicated transport to provide new EEL arrangements. See Sparks AR Aff. ¶¶ 104-107; A2A Attach. 6 – UNE, § 14.7; Sparks MO Aff. ¶¶ 107-110; M2A Attach. 6 – UNE, § 14.7. These terms and conditions associated with SWBT's agreement to assemble new EEL combinations are more generous than the terms required under the UNE Remand Order, which addressed “existing combinations of loop and transport between the end user and the incumbent LEC's serving wire center” (15 FCC Rcd at 3912, ¶ 486 (emphasis added)); opened a further proceeding regarding transport links to IXC points of presence; and permitted incumbent LECs to restrict use of converted special access facilities for access bypass. See id. at 3909, ¶ 480, 3912-13, ¶¶ 486-489, 3914-15, ¶¶ 494-496.⁷⁰ SWBT's EEL offerings in both the A2A and M2A are the same as those in the K2A, Oklahoma 271 Agreement (“O2A”), and T2A, an arrangement that this Commission has already found acceptable. See Texas Order, 15 FCC Rcd at 18468, ¶ 224; Sparks AR Aff. ¶ 105; Sparks MO Aff. ¶ 108.

SWBT does not separate UNEs that it currently combines in its network unless a CLEC requests that it do so. Final Missouri PSC Order at 29; Sparks AR Aff. ¶ 94; Sparks MO Aff.

⁷⁰ See Supplemental Order, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, 15 FCC Rcd 1760 (1999); see also New York Order, 15 FCC Rcd at 4079-80, ¶ 235.

¶ 97. Moreover, SWBT has made its combinations – including new UNE combinations that are not now required by Commission rules – available to all CLECs in Missouri on a legally binding basis through the M2A and arbitrated interconnection agreements. See Sparks AR Aff. ¶¶ 96-97; A2A Attach. 6 – UNE, §§ 14.2-14.4; Sparks MO Aff. ¶¶ 99-100; M2A Attach. 6 – UNE, §§ 14.2-14.4.

SWBT does not charge a Central Office Access Charge (“COAC”) when a CLEC orders UNEs that are already combined. See A2A Attach. 6 – UNE, § 14.2; Final Missouri PSC Order at 29; Sparks MO Aff. ¶ 151; M2A Attach. 6 – UNE, § 14.2. For combinations of UNEs that do not already exist in SWBT’s network and that require new work to assemble, and thus are outside the pricing requirements of sections 251 and 252, SWBT charges the COAC in addition to other applicable UNE charges. See A2A Attach. 6 – UNE, § 14.2; Final Missouri PSC Order at 29; Sparks MO Aff. ¶ 151.

SWBT makes certain collocation arrangements – including caged, shared-caged, cageless, and virtual collocation – available to CLECs for interconnection and access to UNEs. See Sparks AR Aff. ¶¶ 34, 48-58; A2A Attach. 13 – Ancillary Functions; Final Missouri PSC Order at 29-30; Sparks MO Aff. ¶¶ 37, 51-61; M2A Attach. 13 – Ancillary Functions; see also Kansas/Oklahoma Order ¶ 173. SWBT permits CLECs to collocate their equipment in adjacent controlled environmental vaults or similar structures where space for physical collocation is not available, and SWBT does so under the same nondiscriminatory terms as traditional physical collocation. See Sparks AR Aff. ¶ 57; Sparks MO Aff. ¶ 60. In addition, SWBT makes available to CLECs access to secured frame rooms or cabinets (where space is not available for a room) that are set aside for accomplishing the necessary connections. See Sparks AR Aff. ¶¶ 108-110; Final Missouri PSC Order at 29-30; Sparks MO Aff. ¶¶ 111-113.

CLECs are not required to own or operate any equipment of their own to combine SWBT's UNEs. See Sparks AR Aff. ¶ 110; Sparks MO Aff. ¶ 113. The various collocation options, the secured frame option, and SWBT's offer to combine certain UNEs for CLECs provide multiple methods for CLECs to obtain UNEs without owning or controlling any other local exchange facilities. Facilities-based CLECs can use these same methods to combine SWBT's network elements with their own facilities. In addition, CLECs are not restricted to these methods of combining UNEs, but may request other technically feasible methods of access that are consistent with the provisions of the 1996 Act and other governing statutes and decisions. See A2A Attach. 6 – UNE, § 2.22; M2A Attach. 6 – UNE, § 2.22; Kansas/Oklahoma Order ¶ 173.

3. Line Sharing

SWBT is also in compliance with this Commission's Line Sharing Order.⁷¹ See also Part V.D, infra. Indeed, as a result of its "significant development and operational resources devoted to planning for competing carrier access to the high frequency portion of the loop," Texas Order, 15 FCC Rcd at 18514-15, ¶ 322, SWBT was in full compliance with the Line Sharing Order in advance of the Commission's implementation date, Chapman AR Aff. ¶ 73 (App. A – AR, Tab 4); Chapman MO Aff. ¶ 73 (Tab A – MO, Tab 3). Moreover, SWBT exceeds the Commission's requirements by providing the splitter for a CLEC in conjunction with line sharing at the CLEC's request. See Chapman AR Aff. ¶ 77; Chapman MO Aff. ¶ 77. SWBT makes line sharing available to CLECs serving customers in Missouri and Arkansas in an optional amendment to the M2A and the A2A that fully complies with the Line Sharing Order. See Sparks AR Aff. ¶ 92;

⁷¹ See Third Report and Order in CC Docket No. 98-147, Fourth Report and Order in CC Docket No. 96-98, Deployment of Wireline Services Offering Advanced Telecommunications Capability, 14 FCC Rcd 20912 (1999); Sparks MO Aff. ¶¶ 95-96; Sparks AR Aff. ¶¶ 92-93.

Sparks MO Aff. ¶ 95. In addition, CLECs may obtain terms and conditions for xDSL-capable loops and line sharing from SBC's 13-state generic interconnection agreement. Sparks AR Aff. ¶ 93; Final Missouri PSC Order at 31; Sparks MO Aff. ¶ 96.

4. Intellectual Property

As in Kansas and Oklahoma, SWBT offers the same terms and conditions to CLECs in Arkansas and Missouri that this Commission approved without reservation in the Texas Order. See 15 FCC Rcd at 18470-71, ¶ 230 (“[T]he T2A provides that the terms of the Intellectual Property Order control over language in the T2A that AT&T asserts is discriminatory. We therefore find that SWBT does not insist on language in its interconnection agreements that violates its obligation to provide nondiscriminatory access to UNEs under section 251(c)(3) or 252(d)(1) of the Act, as AT&T argues.”) (footnote omitted). SWBT has modified the A2A and the M2A to include a commitment to use its best efforts to obtain for CLECs, under commercially reasonable terms, intellectual property rights to each unbundled network element necessary for CLECs to use such unbundled elements in the same manner as SWBT. See Sparks AR Aff. ¶ 111; A2A General Terms and Conditions §§ 7.3.2-7.3.7; Final Missouri PSC Order at 31-32; M2A General Terms and Conditions §§ 7.3.2-7.3.7; Sparks MO Aff. ¶ 114.

5. Nondiscriminatory Access to OSS

This Commission has consistently found that nondiscriminatory access to a BOC's OSS is a prerequisite to the development of meaningful local competition. See, e.g., Kansas/Oklahoma Order ¶ 104; Texas Order, 15 FCC Rcd at 18396-97, ¶ 92. The Commission has twice concluded that SWBT's OSS satisfy this requirement. See Kansas/Oklahoma Order ¶ 106; Texas Order, 15 FCC Rcd at 18400, ¶ 99. Those OSS, as this Commission has also found, are uniformly available throughout SWBT's region, thereby providing CLECs in all five

SWBT states – Arkansas, Missouri, Texas, Kansas, and Oklahoma – a meaningful opportunity to compete. Kansas/Oklahoma Order ¶¶ 107-108; see also 2000 Consultation Report at 17

(“SWBT’s OSS functions in Arkansas are the same as those employed across SWBT’s region.”);

Final Missouri PSC Order at 36 (Missouri PSC “finds that SWBT has shown, by a

preponderance of the evidence, that its OSS operate on a region-wide basis”); Lawson AR Aff.

¶¶ 13-20; Lawson MO Aff. ¶¶ 13-20; D. Smith AR Aff. ¶¶ 4-6; D. Smith MO Aff. ¶¶ 4-6;

Noland AR Aff. ¶¶ 7-14; Noland MO Aff. ¶¶ 7-14; VanDeBerghe AR Aff. ¶¶ 3-8; VanDeBerghe

Aff. MO ¶¶ 3-8. In particular, this Commission concluded:

In most respects, SWBT demonstrates that competing carriers in Kansas, Oklahoma and Texas share the use of a single OSS, not two or three separate OSS: a common set of processes, business rules, interfaces, systems and, in many instances, even personnel. Where SWBT has discernibly separate OSS, SWBT demonstrates that its OSS reasonably can be expected to behave the same way in all three states.

Kansas/Oklahoma Order ¶ 111. This uniformity results from SWBT’s status as the “only ‘Baby Bell’ to survive intact as a regional BOC”; “as such, [SWBT] has maintained a single region-wide set of OSS, including its back office systems, for its own retail use long before divestiture in 1984.” Id. ¶ 112 n.312; see Lawson AR Aff. ¶ 18 & n.14; Lawson MO Aff. ¶ 18 & n.15; VanDeBerghe AR Aff. ¶ 25; VanDeBerghe MO Aff. ¶ 25.

In the Kansas/Oklahoma Order, this Commission set forth a standard for determining the relevance of prior proceedings in its review of the OSS used by a BOC:

Under our first inquiry (the analysis of OSS functionality), our earlier conclusions about SWBT’s OSS in Texas are relevant in this proceeding to the extent that SWBT uses the same systems, offering the same functionality, in Kansas and Oklahoma. For example, if we find (as we do below) that the interfaces used for pre-ordering are the same in Kansas, Oklahoma and Texas, then we may consider our findings in the SWBT Texas Order that these interfaces provide the full range of necessary functionality. With respect to our second inquiry (the analysis of commercial readiness), evidence that its OSS is the same across these three states

allows us to broaden the scope of our review and look to evidence of SWBT's performance in Texas.

Kansas/Oklahoma Order ¶ 109. Under this standard, the findings in the Texas Order and the Kansas/Oklahoma Order should inform this Commission's review and lead it to conclude that, in Arkansas and Missouri, SWBT also offers nondiscriminatory access to its OSS.

Although this Commission's finding in the Kansas/Oklahoma Order that SWBT's OSS operate on a uniform basis across its region and provide CLECs with nondiscriminatory access should be sufficient to prove, in this Joint Application, that SWBT's OSS satisfy the requirements of section 271, SWBT also provides substantial evidence in this Joint Application demonstrating the functionality and performance of its OSS. The Affidavits of Beth Lawson, Brian D. Noland, David R. Smith, and Michael E. Flynn show in detail how the same OSS interfaces, service centers, practices, procedures, and often personnel are employed to serve CLECs across SWBT's five-state region. The Affidavits of Bill E. VanDeBerghe describe in detail SWBT's back-end systems, personnel, and procedures, which operate on a region-wide basis. The Affidavits of William R. Dysart demonstrate that SWBT's performance in Arkansas, Missouri, and elsewhere in SWBT's region continues to be excellent.

In particular, SWBT has made a preliminary showing as to the four "sameness" concerns raised by the DOJ in the Kansas/Oklahoma proceeding.⁷² As this Commission found in the Kansas/Oklahoma proceeding, SWBT has made clear that the personnel involved in the actual provisioning and maintenance and repair of CLEC orders in Arkansas and Missouri will do their jobs in the same manner as those in Texas, Kansas, and Oklahoma. See Kansas/Oklahoma Order

⁷² See Evaluation of the United States Department of Justice at 28-36, Joint Application by SBC Communications Inc., et al., for Provision of In-Region, InterLATA Services in Kansas and Oklahoma, CC Docket No. 00-217 (FCC filed Dec. 4, 2000); see also Kansas/Oklahoma Order ¶ 110.

¶ 113; Noland AR Aff. ¶¶ 8-18; Noland MO Aff. ¶¶ 8-18. See generally D. Smith AR Aff.; D. Smith MO Aff. SWBT has shown that carriers can develop a single EDI interface to serve end users in Arkansas, Missouri, or any other state in SWBT's region, and that the business rules for pre-ordering and ordering apply on a region-wide basis. Kansas/Oklahoma Order ¶ 114; Lawson AR Aff. ¶¶ 5, 14-15, 110, 113-121; Lawson MO Aff. ¶¶ 5, 14-15, 110, 113-121. SWBT demonstrates that the two SORD processors it employs to serve its five-state region are the same type of hardware running identical software. Kansas/Oklahoma Order ¶ 115; Lawson AR Aff. ¶¶ 129-130; Lawson MO Aff. ¶¶ 129-130. Finally, SWBT has proven that its process for scaling manual centers is both region-wide and capable of anticipating and handling an increased volume of transactions. Kansas/Oklahoma Order ¶ 116; Noland AR Aff. ¶¶ 46-48; Noland MO Aff. ¶¶ 46-48; D. Smith MO Aff. ¶¶ 17-19; D. Smith AR Aff. ¶¶ 17-19. In short, SWBT's OSS in Arkansas and Missouri are the same OSS this Commission previously found to satisfy the requirements of section 271.

a. Pre-Ordering

This Commission found that "SWBT demonstrates that it provides nondiscriminatory access to its OSS pre-ordering functions." Kansas/Oklahoma Order ¶ 119; Texas Order, 15 FCC Rcd at 18426, ¶ 147. The same functionality is offered to CLECs serving end users in Arkansas and Missouri through the exact same interfaces. Lawson AR Aff. ¶¶ 76-96; Lawson MO Aff. ¶¶ 76-96.⁷³ Recent Arkansas and Missouri performance shows that these interfaces continue to offer CLECs pre-ordering functionality on a nondiscriminatory basis. See Dysart AR Aff. ¶¶ 31, 33; Dysart MO Aff. ¶¶ 31-33; Final Missouri PSC Order at 76-77. In both Arkansas and

⁷³ Nondiscriminatory access to loop qualification information is discussed below, under Checklist Item 4.

Missouri, SWBT met the benchmark in at least two of the past three months on all of the performance measures that gauge the availability and response times of SWBT's OSS. See Dysart AR Aff. ¶¶ 31, 33 & Attach. F (PMs 1, 2, and 4); Dysart MO Aff. ¶¶ 31, 33 & Attach. F (PMs 1, 2, and 4).

As the interfaces offered to CLECs operating in Arkansas or Missouri are the same across SWBT's region, this Commission's conclusion, based on actual commercial experience⁷⁴ and Telcordia's independent review, that these interfaces allow for the integration of pre-ordering and ordering functionalities holds for this Joint Application as well. See Lawson AR Aff. ¶¶ 97-99; Lawson MO Aff. ¶¶ 97-99; Kansas/Oklahoma Order ¶¶ 130, 133; Texas Order, 15 FCC Rcd at 18428-34, ¶¶ 152-161.

b. Ordering and Provisioning

This Commission has already found that "SWBT demonstrates, with performance data and other evidence, that it provides competing carriers with access to OSS ordering functions, on a timely and consistent basis, and in a manner that allows these carriers a meaningful opportunity to compete." Kansas/Oklahoma Order ¶ 135; Texas Order, 15 FCC Rcd at 18438, ¶ 170. Based on the criteria established by this Commission,⁷⁵ SWBT continues to meet the standard of

⁷⁴ One of the CLECs that integrated pre-ordering and ordering in Texas is also operating in both Arkansas and Missouri. See Lawson AR Aff. ¶ 98; Lawson MO Aff. ¶ 98; see also Kansas/Oklahoma Order ¶ 133.

⁷⁵ "We emphasize that we generally look at the totality of the circumstances in analyzing the OSS ordering functions. Performance disparity in one measurement or sub-measurement is unlikely to result in a finding of checklist noncompliance, unless the disparity is dramatic, or absent additional evidence of competitive impact. We review each individual measurement as one part of a larger picture that informs our determination of checklist compliance or non-compliance." Kansas/Oklahoma Order ¶ 136.

nondiscriminatory access to ordering functions. See Dysart AR Aff. ¶¶ 34-48 & Attach. F; Dysart MO Aff. ¶¶ 34-45 & Attach. F; Final Missouri PSC Order at 76.

Firm Order Confirmations. SWBT continues to return Firm Order Confirmations (“FOCs”) to CLECs in a timely manner, allowing an efficient carrier a meaningful opportunity to compete. Lawson AR Aff. ¶¶ 154-162; Lawson MO Aff. ¶¶ 154-162; Dysart AR Aff. ¶¶ 34-40 & Attach. F (PMs 5, 6); Dysart MO Aff. ¶¶ 34-38 & Attach. F (PMs 5, 6); Kansas/Oklahoma Order ¶ 137; Texas Order, 15 FCC Rcd at 18438, ¶ 171; Final Missouri PSC Order at 42. In Arkansas, SWBT surpassed all of the applicable benchmarks for at least two of the last three months for all of the performance measurements related to FOCs. Dysart AR Aff. ¶¶ 34-40 & Attach. F (PMs 5, 6). In Missouri, the single FOC-related performance measurement in which SWBT did not surpass the benchmark in at least two of the past three months is PM 5.2-01 (Percent FOCs Returned Within 7 Days on Access Service Requests (ASRs) – Interconnection Facilities Trunks). Dysart MO Aff. ¶¶ 34-38 & Attach. F (PMs 5, 6). Despite very small CLEC ASR volumes in Missouri – such that returning only two FOCs late would have caused SWBT to miss the benchmark in each of the last five months – SWBT had performance of 100 percent on this measure in June 2001. Dysart MO Aff. ¶ 38 & Att. F. Overall, SWBT’s average FOC return rate over the past three months of 99.5 percent in Arkansas and Missouri clearly demonstrates that CLECs are timely receiving FOCs for the overwhelming majority of their orders. Dysart AR Aff. ¶ 39 & Att. B; Dysart MO Aff. ¶ 38 & Att. B.

Reject Notices. SWBT likewise “provides competing carriers with timely order rejection notices in a manner that allows them a meaningful opportunity to compete.” Kansas/Oklahoma Order ¶ 141; Texas Order, 15 FCC Rcd at 18441, ¶ 174; Final Missouri PSC Order at 76. Recent performance shows that CLECs operating in Arkansas and Missouri are being afforded this same

meaningful opportunity to compete; SWBT has consistently surpassed the established benchmarks for all reject measures, including mean time to return manual rejects, where SWBT's performance has not only fallen well within the six-hour benchmark, but is also better than the performance reviewed and approved by this Commission in the Texas and Kansas/Oklahoma proceedings.⁷⁶

Flow Through. The FCC has previously concluded that "competing carrier orders flow-through SWBT's systems in substantially the same time and manner as they flow-through for SWBT's orders." Kansas/Oklahoma Order ¶ 144. SWBT's performance in Missouri and Arkansas demonstrates that it continues to provide parity flow through to CLECs.

Flow-through percentages for Arkansas and Missouri CLECs using EASE have been greater than for SWBT retail in at least 11 of the past 12 months, including each of the past four months. Lawson AR Aff. ¶ 135; Lawson MO Aff. ¶ 135; Dysart AR Aff. Attach. B (PM 13-01); Dysart MO Aff. Attach. B (PM 13-01).

Flow-through percentages for the LEX and EDI interfaces are similarly strong. SWBT's region-wide EDI flow-through rate has been in parity in ten of the past 12 months, and its region-wide LEX flow-through rate has been in parity for three of the past five months. See Lawson AR Aff. ¶¶ 181-182; Lawson MO Aff. ¶¶ 181-182. For both interfaces, reported performance for May and June 2001 appears to be out of parity, but this is due entirely to a change in the

⁷⁶ See Noland AR Aff. ¶¶ 32-34; Noland MO Aff. ¶¶ 32-34; Dysart AR Aff. ¶ 42 & Attach. F (PM 11.1-01) (showing performance at 2.3, 2.2, and 2.8 hours during the three months from April 2001 to June 2001); Dysart MO Aff. ¶ 40 & Attach. F (PM 11.1-01) (showing performance at 2.7, 2.6, and 2.6 hours during the three months from April 2001 to June 2001); compare Kansas/Oklahoma Order ¶ 142 n.388 (noting performance of 8.32, 8.69, and 3.22 hours in Kansas from August through October 2000, and 6.76, 10.72, and 3.61 hours in Oklahoma over the same time period) with Texas Order, 15 FCC Rcd at 18441, ¶ 175 n.472 (showing average manual reject return time of 7.55, 6.41, and 4.93 hours, respectively, from February through April 2000).

business rules for reporting wholesale flow through that the Texas Commission required in May 2001. See Lawson AR Aff. ¶ 179; Lawson MO Aff. ¶ 179. When this Commission approved SWBT's Texas, Kansas, and Oklahoma applications, the LEX and EDI flow-through measurements included only those wholesale and retail orders that were designed to flow through. See Lawson AR Aff. ¶ 178; Lawson MO Aff. ¶ 178. As of May 2001, however, the Texas Commission required SWBT to change the way it reports wholesale flow through by including certain UNE-P service order types that, by design, cannot flow through. See Lawson AR Aff. ¶ 178; Lawson MO Aff. ¶ 178.⁷⁷ Retail flow through, however, continues to include only order types that were designed to flow through.

As a result, the LEX and EDI flow-through measurements no longer make an "apples-to-apples" comparison. However, the change in SWBT's reported region-wide flow-through rate in no way reflects any change in the way in which its OSS process orders. Indeed, under the business rules for calculating flow through in effect when this Commission approved SWBT's Texas, Kansas, and Oklahoma applications, SWBT's EDI and LEX flow-through performance is in parity for both May and June 2001. See Lawson AR Aff. ¶¶ 181-182; Lawson MO Aff. ¶¶ 181-182.

In Arkansas, notwithstanding the change in the rules for calculating flow through, SWBT's EDI flow-through performance has been in parity for each of the past 12 months.

⁷⁷ This Commission has previously found that a BOC is not required to design its systems to flow through every type of order. See Massachusetts Order ¶ 79 ("We disagree with commenters that we should reject Verizon's application . . . because some kinds of orders are not designed to flow through."). In addition, the Commission has held that that "flow-through has significantly less value as an indicator of deficiencies of [a BOC's] OSS" compared to its "overall ability to return timely order confirmation and rejection notices, accurately process manually handled orders, and scale its systems." New York Order, 15 FCC Rcd at 4035, ¶ 163. SWBT performs extremely well on those measures. See Lawson AR Aff. ¶ 179; Lawson MO Aff. ¶ 179.

Lawson AR Aff. ¶ 183. In Missouri, SWBT's performance is similarly excellent, with EDI flow-through performance in parity for 11 of the last 12 months, missing only in June 2001, when performance was within two percentage points of parity. See Lawson MO Aff. ¶ 183. In both states, CLECs submitting the largest volume of orders have proven capable of achieving greater than 95-percent flow through, demonstrating that SWBT's OSS are capable of flowing through an extremely high percentage of CLEC orders submitted over EDI. See Lawson AR Aff. ¶¶ 184-185; Lawson MO Aff. ¶¶ 184-185; see also Kansas/Oklahoma Order ¶ 145 & n.400; Massachusetts Order ¶ 78.

In Arkansas and Missouri, the change in the rules for calculating flow through significantly affected SWBT's reported performance for orders submitted over the LEX interface. Under the old rules for calculating flow through, SWBT provided parity flow through for LEX orders in two of the past three months in both states, missing parity in the third month by only about one percentage point. See Lawson AR Aff. ¶ 186; Lawson MO Aff. ¶ 186. In addition, in both states, individual CLECs have proven capable of consistently obtaining flow-through rates of 90 percent, while other CLECs obtain significantly worse flow-through rates despite using the exact same interfaces. See Lawson AR Aff. ¶ 187; Lawson MO Aff. ¶ 187; see also Kansas/Oklahoma Order ¶ 145 & n.400; Massachusetts Order ¶ 78.

Jeopardy Notices. The Commission has twice concluded "that SWBT provides 'jeopardy' notices to competing carriers in a nondiscriminatory manner." Kansas/Oklahoma Order ¶ 147; Texas Order, 15 FCC Rcd at 18447, ¶ 184. The jeopardy return systems and processes utilized by SWBT in Texas, Kansas, and Oklahoma are the same systems and processes SWBT uses to return all types of jeopardy notices to CLECs in Arkansas and Missouri on a nondiscriminatory basis. See Lawson AR Aff. ¶¶ 189-190; Lawson MO Aff. ¶¶ 189-190;

Noland AR Aff. ¶¶ 35-40; Noland MO Aff. ¶¶ 35-40; Final Missouri PSC Order at 44, 75-76.

From April 2001 through June 2001, SWBT-caused jeopardies comprised about one percent of all orders in Missouri and less than one percent in Arkansas, confirming this Commission's finding in the Kansas/Oklahoma Order. Dysart AR Aff. Attach. B (PMs 10.2-02 and 10.2-03); Dysart MO Aff. Attach. B (PMs 10.2-02 and 10.2-03).⁷⁸

Order Completion Notification. "We conclude that SWBT provides order completion notices to competing carriers in a nondiscriminatory manner." Kansas/Oklahoma Order ¶ 150; Texas Order, 15 FCC Rcd at 18448, ¶ 187; see also Final Missouri PSC Order at 77. Arkansas performance, over the same interfaces found to be nondiscriminatory in Kansas, Oklahoma, and Texas, has bettered the 97-percent benchmark for mechanized completion return within one day in each of the past six months. Noland AR Aff. ¶¶ 41-44; Dysart AR Aff. Attach. F (PM 7.1). In Missouri, SWBT has similarly surpassed the benchmark in each of the past six months for orders submitted using LEX. Dysart MO Aff. ¶ 39 & Attach. F (PM 7.1-01). For orders submitted using EDI, SWBT met the benchmark in three of the past six months in Missouri, including June 2001, and returned an average of 97.1 percent of mechanized service order completion notices on time during that period. See id. Attach. B (PM 7.1-02). Overall, Missouri CLECs received more than 98 percent of their total (EDI and LEX combined) mechanized service order completion notices within one day of work completion. Dysart MO Aff. ¶ 39.

⁷⁸ In the Kansas/Oklahoma Order, the Commission noted that it placed limited weight on this data, as it represented only one month of performance and SWBT did not fully explain these measures. Kansas/Oklahoma Order ¶ 148 & n.412. Here, SWBT provides nine months of data showing that it consistently causes very few orders to enter jeopardy status. See Dysart AR Aff. Attach. B (PM 10.2); Dysart MO Aff. Attach. B (PM 10.2). Further, SWBT's performance measures are fully explained in version 1.7 of the business rules. See Dysart AR Aff. Attach. C; Dysart MO Aff. Attach. C.

SWBT's overall performance demonstrates that Arkansas and Missouri CLECs' mechanized service order completion notices are returned in a timely manner.

Provisioning. To examine the procedures SWBT follows when provisioning competitors' orders, the Commission will look at "performance with respect to provisioning timeliness and its provisioning quality." Kansas/Oklahoma Order ¶ 154; Texas Order, 15 FCC Rcd at 18452-53, ¶ 194; see also New York Order, 15 FCC Rcd at 4058, ¶ 196 & n.627. This Commission has twice concluded that "SWBT provisions competing carriers' orders for resale and UNE-P services in substantially the same time and manner as it provisions orders for its own retail customers." Kansas/Oklahoma Order ¶ 154; Texas Order, 15 FCC Rcd at 18452-53, ¶ 194. The same systems, procedures, and workforces in place across SWBT's region are offering nondiscriminatory access to provisioning, timeliness and quality in Arkansas and Missouri. The results are discussed in detail in the Affidavits of David R. Smith, Brian D. Noland, and William R. Dysart.⁷⁹

c. Maintenance and Repair

After reviewing SWBT's OSS functions for maintenance and repair in the Texas Order, this Commission found:

SWBT has deployed the necessary interfaces, systems, and personnel to enable requesting carriers to access the same maintenance and repair functions that SWBT provides to itself. We then conclude that SWBT's systems allow carriers to access those functions in substantially the same time and manner as SWBT's retail operations.

15 FCC Rcd at 18457, ¶ 201; see also Kansas/Oklahoma Order ¶¶ 161-162. As these same systems operate with consistently excellent results and in the same manner throughout SWBT's region (including, of course, Arkansas and Missouri), this Commission should reach the same

⁷⁹ Provisioning of unbundled loops is discussed at Part V.D., infra.

conclusion here. See Lawson AR Aff. ¶¶ 202-211; Lawson MO Aff. ¶¶ 202-211; D. Smith AR Aff. ¶¶ 9-15, 24-27; D. Smith MO Aff. ¶¶ 9-15, 24-27; Final Missouri PSC Order at 44, 77-78.⁸⁰

d. Billing

This Commission found that “SWBT provides nondiscriminatory access to its billing functions.” Kansas/Oklahoma Order ¶ 163; Texas Order, 15 FCC Rcd at 18461-62, ¶ 210. Performance data in Arkansas and Missouri show that SWBT continues to provide CLECs with nondiscriminatory access to its billing functions using the same interfaces, methods, and procedures employed across SWBT’s region. See Dysart AR Aff. ¶ 49 & Attach. B (PMs 14-19); Dysart MO Aff. ¶ 46 & Attach. B (PMs 14-19); Lawson AR Aff. ¶¶ 212-218; Lawson MO Aff. ¶ 212-218. See generally Flynn AR Aff. (App. A – AR, Tab 8); Flynn MO Aff. (App. A – MO, Tab 7); Final Missouri PSC Order at 45-46, 77.

e. Change Management

In the Texas Order, this Commission found that “SWBT has instituted a change management process that will help to ensure that changes to SWBT’s OSS interfaces do not impede a carrier’s ability to access critical OSS functions.” 15 FCC Rcd at 18400, ¶ 99; accord id. at 18405-06, ¶ 110; see also id. at 18411-12, ¶ 120, 18412-13, ¶ 122, 18415-17, ¶¶ 127-128, 18420, ¶¶ 134-135, 18424, ¶ 144, 18425, ¶ 146; Kansas/Oklahoma Order ¶¶ 167-170; Final Missouri PSC Order at 38, 75. Based on the evidence presented in the Kansas/Oklahoma proceeding, the Commission found that “SWBT employs a region-wide change management plan that is identical in each of its five in-region states.” Kansas/Oklahoma Order ¶ 167. The Commission further stated that “[w]e approve of SWBT’s subsequent implementation [of

⁸⁰ Performance relating to the maintenance and repair of individual UNEs is discussed in the sections covering those checklist items. One of the back-end systems used in the processing of trouble tickets, the LMOS, is discussed in Part IV, supra.

versioning] and find that versioning enhances SWBT's change management plan by providing significant additional assurance that changes will not disrupt competing carriers' use of SWBT's OSS." Kansas/Oklahoma Order ¶ 167. These prior findings and the evidence in the Affidavits of Beth Lawson make clear that SWBT has established and continues to maintain a nondiscriminatory change management process.

Since this Commission approved SWBT's applications in Kansas and Oklahoma, SWBT has further improved its change management process ("CMP"), instituting a 13-state CMP on March 6, 2001. The new, 13-state CMP was developed through 18 months of negotiations between SBC and the CLECs and is based on the CMP used in SWBT's five-state region, which this Commission has previously reviewed and approved in two separate applications. Lawson AR Aff. ¶ 220; Lawson MO Aff. ¶ 220. As explained in the Affidavits of Beth Lawson, all of the elements of SWBT's Commission-approved plan are found in the new CMP. See Lawson AR Aff. ¶ 220 & Attach. KK; Lawson MO Aff. ¶ 220 & Attach. KK. For example, SBC agreed to support three versions of software on application-to-application interfaces and agreed to provide notification to CLECs regarding legacy, or backend, system releases. See Lawson AR Aff. ¶¶ 220-223; Lawson MO Aff. ¶ 220-223.

In both the Texas Order and the Kansas/Oklahoma Order, the Commission found that SWBT had demonstrated "compliance with its documented change management processes and procedures, providing competing carriers with change management notification and documentation in a manner sufficiently timely to allow an efficient competitor a meaningful opportunity to compete." Kansas/Oklahoma Order ¶ 169; Texas Order, 15 FCC Rcd at 18415-16, ¶ 127. This conclusion is bolstered by SWBT's performance for the recently implemented change management performance measures, which have improved since this Commission's

approval of the Kansas and Oklahoma joint application. See Kansas/Oklahoma Order ¶ 169. In Arkansas and Missouri, over the past three months, SWBT has provided 94.7 percent of its Change Management Notices in a timely manner and pursuant to the CMP. Dysart AR Aff. Attach. B (PMs 123, 124); Dysart MO Aff. Attach. B (PMs 123, 124); Lawson AR Aff. ¶ 225 & n.93; Lawson MO Aff. ¶ 225 & n.94.

SWBT likewise provides CLECs “access to a stable testing environment that allows carriers to certify that their OSS will interact effectively with SWBT’s OSS.” Kansas/Oklahoma Order ¶ 168; Texas Order, 15 FCC Rcd at 18420, ¶ 134; see Lawson AR Aff. ¶¶ 226-228; Lawson MO Aff. ¶¶ 226-228. “SWBT’s testing environment . . . mirrors the production environment, affords competing carriers an opportunity to test representative pre-ordering and ordering transactions, and offers the extended testing periods that competing carriers need for EDI implementation and new release testing.” Kansas/Oklahoma Order ¶ 168; Lawson AR Aff. ¶¶ 226-228; Lawson MO Aff. ¶¶ 226-228. From the time that SWBT filed its Kansas/Oklahoma 271 application until it filed this Arkansas/Missouri Joint Application, CLECs have continued to achieve success in gaining production status using SWBT’s joint test environment. Three EDI/LSR releases have been successfully implemented within this time frame, with CLECs using the test environment to test these new releases. Lawson AR Aff. ¶ 227; Lawson MO Aff. ¶ 227.

C. Checklist Item 3: Poles, Ducts, Conduits, and Rights-of-Way

Section 271(c)(2)(B)(iii) requires a BOC to provide “[n]ondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the [BOC] at just and reasonable rates in accordance with the requirements of section 224.” 47 U.S.C. § 271(c)(2)(B)(iii). In the Texas Order, this Commission determined that SWBT’s Master